

**STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT**

FILED  
2ND JUDICIAL DISTRICT COURT  
Bernalillo County  
01/03/2023 15:51:28  
CLERK OF THE COURT  
Lopez, Catherine

**STATE OF NEW MEXICO,  
Plaintiff,**

**v.**

**No. D-202-CR-2022-03088**

**P [REDACTED] M [REDACTED],  
Defendant.**

DOB: xx/xx/1992

SSN: xxx-xx-1814

**ORDER SETTING CONDITIONS OF RELEASE**

In entering this Order Setting Conditions of Release, the Court has considered the results of the Pretrial Risk Assessment, the financial resources of the defendant, and the factors outlined in 5-401 (C), as available.

**Pretrial detention motion**

☐ A pretrial detention motion has been filed by the State.

☐ The motion for pretrial detention was granted and the order of pretrial detention remains in effect.

☐ The motion for pretrial detention was denied. Defendant is subject to the conditions of release in this Order.

[Either party may file a motion to review under 5-409 (K) and said motion will be considered by the assigned judge.]

☒ A pretrial detention motion has not been filed by the State.

**Release on recognizance or unsecured bond:**

It is ordered that the defendant be released from custody upon:

☒ Personal recognizance.

☐ Unsecured appearance bond of \$

☐ Third-party custody release to: (individual or organization).

I/We agree to supervise the defendant; to use every effort to assure the defendant's appearance at all scheduled hearings; and to notify the court immediately in the event that the defendant violates any conditions of release.

Signature of Custodian

Address (city/zip)

Area Code/Telephone #

**Defendant's conditions of release:**

The court **FINDS** that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state or local criminal law and shall:



Held by PTS

- a. ☒ Be on Pretrial Service (PTS) supervision and abide by all conditions set by the Court and by Pretrial Services; PML Level: **Report to PTS within 24 hours of release, 2<sup>nd</sup> Judicial District Court, 400 Lomas, NW, First floor. (505)-841-6741, (505)-841-5444.**
- b. ☒ Not possess any firearms or dangerous weapons;
- c. ☐ Not return to the location of the alleged incident;
- d. ☒ Not consume alcohol;
- e. ☒ Not take or use cannabis without a prescription from a licensed medical practitioner;
- f. ☒ Not buy, sell, consume, or possess illegal drugs;
- g. ☒ Notify the court of any change of address;
- h. ☒ Not leave the ~~county of Bernalillo~~, State of New Mexico without prior permission of the court or PTS;
- i. ☒ Maintain weekly contact with the defendant's attorney/seek and consult with an attorney;
- j. ☒ Avoid all contact with the alleged victim or any witness who may testify in this case;
- k. ☐ Have an ignition interlock device installed on any vehicle the defendant may drive;([ ] camera capable ignition interlock device)
- l. ☐ Reside at: \_\_\_\_\_, unless otherwise agreed to by the court;
- m. ☒ Submit to drug or alcohol testing upon the request of PTS, or;
- n. ☐ Not leave the defendant's residence between the hours of p.m. and a.m. without prior permission of the court;
- o. ☐ Maintain employment, or, if unemployed, actively seek employment;
- p. ☐ Maintain or commence an educational program;
- q. ☒ Submit to medical, psychological, psychiatric, or substance abuse treatment; *as recommended by PTS*
- r. ☐ Remain at: for a period of ;
- s. ☐ Avoid all contact with: ;
- t. ☐ Abide by geographical restrictions (GPS);
- u. ☒ Not take or use any narcotic drugs without a prescription from a licensed medical practitioner;
- v. ☐ Drive only with a valid New Mexico Driver's License and insurance;
- w. ☐ Other conditions:

**Release on secured bond:**

☐ The court **FINDS** that release on non-monetary conditions will not reasonably assure the appearance of the defendant. The court notes that the only purpose for imposing a secured bond is to ensure the defendant appears for all necessary court hearings and for trial. The court further notes that, under the New Mexico Supreme Court case *State v. Brown*, a secured bond cannot be used for the purpose of detaining a defendant who may pose a danger to the safety of the community. 2014-NMSC-038. In setting the amount of the secured bond, the court has considered the available information concerning defendant's financial resources and has set the lowest bond amount that will reasonably ensure the defendant's appearance in court.

In making the determination in setting a secured bond, the court finds the following particularized factors require imposition of a secured bond in the amount set forth below:

- ☐ The defendant has failed to appear: times for court hearings on prior cases and the present matter.
- ☐ A warrant has been issued for the defendant's failure to appear for court hearings: times on prior cases and the present matter.
- ☐ Other particularized factors considered by the court:

Secured bond of \$, secured by:

- ☐ 10% of total bond to the Court.



- ☐ Real property bond executed on Form 9-304 NMRA.  
☐ Either 100% cash or a surety bond executed on Form 9-304 NMRA.  
☐ Defendant already posted a bond through:

**Defendant's acceptance of conditions of release and promise to appear:**

I understand the above conditions of release and agree to them.

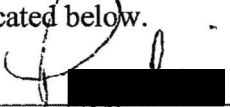
I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.


I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice.

I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law.

I agree to appear before the court on , at . located at 400 Lomas Blvd. NW, Albuquerque, New Mexico before Judge and thereafter at such times and places required in this case by any court.

I understand that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to jail or the penitentiary for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

  
 Defendant's signature

 1-3-2023  
 Date of signature

Date and time of release

Cell phone number

Alternate phone number

Email Address

Mailing address (include city, state and zip code)

Physical address (include city, state and zip code)


**CCP is authorized in all cases by default, subject to the terms of the MOU between this Court and the County.** The Court may also choose not to authorize CCP in any given case or may grant an override to authorize CCP in a case which might not qualify under the MOU. If no box is checked, CCP is authorized, subject to the terms of the MOU.

- ☐ No CCP ☐ CCP override authorized subject to MDC internal policies and review

**Judicial approval of conditions:**

  
 BRUCE C. FOX DISTRICT COURT JUDGE

  
 Assistant District Attorney Signature

  
 Defense Counsel Signature  
 For Raul Lopez

\$ \_\_\_\_\_ Posted on \_\_\_\_\_  
 by \_\_\_\_\_ Rev-verified  
 by \_\_\_\_\_  
 Date \_\_\_\_\_